

## **EXHIBIT O**



## CITY OF NEWBURGH

Department of Planning & Development

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[www.cityofnewburgh-ny.gov](http://www.cityofnewburgh-ny.gov)

Employee Counseling Form  
Summary performance detail  
9/3/20

Employee: Elka Gotfryd

Job Title: Planner

On August 25, 2020, in meetings with you and your union representatives, several job performance deficiencies were noted and discussed.

These job performance deficiencies included:

1. Time and attendance
  - a. Workweek: Work hours are M—F 8:30 am to 4:00 pm w/ 30 minute lunch break (CSEA contract Art. II Sec. A)
    - i. Tardiness: See Attached 30 Day Timecard Report
    - ii. Midday Leave:
      1. Lunch breaks in excess of 30 minutes
      2. Leaves workplace w/o permission (CSEA contract Art. V, Art. VI)
      3. Ongoing absent w/o permission. Department wide memo sent on 2/7/2020; 3/18/2020; 4/27 /2020. Specific example: On August 10, 2020, you left the office from 12:18 pm to 1:46pm w/o notifying anyone or making a note on the calendar
    - iii. Leave slips not submitted in advance of or following absence as provided in the CSEA contract, and constant reminders are needed.
  2. Work Performance
    - a. Missed deadlines
      - i. Time frames have been communicated and acknowledged
      - ii. Work not completed within the assigned time frame
      - iii. Critical clarifying questions asked the day before or day of a work product deadline
        1. During the Build-out analysis, after agreeing on a timeline and work plan many days in advance, substantive questions were asked the Thursday before the Friday deadline. These questions should have been raised and addressed earlier in the project timeline. The delay in raising the questions required an adjustment of timeline that delayed the project beyond the next Council deadline.
    - b. Does not follow directions
      - i. The request for a map of the William Street study area was delayed several days, and the product submitted was not a map, but was a "street-view"- type elevation study. Upon assignment, you confirmed you were

comfortable making the map, and asked no clarifying questions. This delayed the entire project and required a re-assignment to another employee.

3. Interpersonal Communications Issues

a. Department Head/Supervisor

- i. Supervisor (Department Head) requests for review or input relating to tasks are referred to as "Micro managing."
  1. Paratransit/ Lake Street bus service
- ii. Specific tasks required by the job and listed in the job description referred to as at the level of an "intern."
  1. Informational Reports are the basis of the Planner job and working through them familiarize the Planner with the City Code, with Zoning, and with Development Project Management.
  2. Specific request for a timeline for work around the Paratransit Outreach at Lake Street was met with "Please let me know if you're willing to loosen the grip and let me do the job you hired me to do. Quite honestly, the level of work that you've left me with is that of an intern."
- iii. Direct repeated requests for outlines or timelines for completion of work product are met with lengthy explanations of why the timelines cannot be produced.
  1. Examples are the LWRP; Paratransit/ Lake Street project from 8/10; and the Summer Activities.
- iv. Directives, questions, request for clarification are often met first with an argumentative response, and then apologized for or corrected later.
  1. Time slips
  2. Lateness
  3. Lack of response to emails

b. Does not include Supervisor in discussion or decision making regarding City Policy.

- i. Conversation regarding new bus service proposed on the West End
  1. Supervisor input referred to ask "micromanaging"
- ii. Conversations between you and a potential developer regarding negotiations for land set asides on Snake Hill

c. Co-workers

- i. Discussions on Co-workers projects, tasks, or programs are often phrased argumentatively, combative, or aggressive tone used, and then apologized for later.
  1. Time/Leave slips
  2. One on one meetings relating to co-worker projects
  3. Staff meetings/ Group Meetings
    - a. Vacant Property meetings
    - b. William Street walk-through

Corrective Action Plan:

1. Review and acknowledge receipt of CSEA collective bargaining agreement, City policies (Workplace Violence Prevention Policy; EEO, Anti-Harassment and Sexual Harassment Prevention Policy; Code of Ethics)
2. You will punch in on-time daily or provide a leave slip. Requests for leaves of absence under the Family Medical Leave Act may be made to Human Resources.
3. You will provide time-off slips to Tara Miller prior to a planned absence or the next day following an unplanned absence, following the timelines established in the CSEA collective bargaining agreement.
3. Lunch break is limited to 30 minutes per day as established in the CSEA collective bargaining agreement.
4. You will update the Economic Development Calendar daily including all meetings and all time out of the office.
5. You will provide either in-person or email requests to attend meetings with outside departments, agencies, and the general public. Copy Alexandra Church on scheduling communications for these meetings.
6. You will provide project updates on a bi-weekly basis by email to Alexandra Church on the second and fourth Fridays of every month. Emails must include: current work assignments & projects; review tasks & time line for completion; check for understanding.
7. There are times when the news media, or other individuals and organizations, may request information from you in your capacity as City Planner. Before responding to any inquiries, questions or requests concerning City policy, you must refer the matter to your Supervisor. Any response by you, on behalf of the City, must be accompanied by your Supervisor's prior written approval.

You will be re-evaluated on Thursday, October 8, 2020 at 11:00 am at the Human Resources Office, 4<sup>th</sup> Floor, in City Hall. You have the right to have union representation at this meeting.

If you have any questions regarding these actions you are directed to contact Alexandra Church, Director of Planning and Development.

Your signature acknowledges receipt and understanding of this document. Your failure to sign to this Counseling memo will be deemed to constitute insubordination and may result in the imposition of disciplinary charges against you.

Elka Gotfryd

Date 9/14/20